

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

S. WINOGRAD et al.

Confirmation No. 5507

Serial No. 10/600,593

Group Art Unit: 2133

Filed: June 23, 2003

Examiner: S. RIZK

For: METHOD FOR CONSTRUCTING ERASURE CORRECTING CODES  
WHOSE IMPLEMENTATION REQUIRES ONLY EXCLUSIVE ORS

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**PETITION TO REVIVE APPLICATION FROM ABANDONMENT AND  
REQUEST FOR RE-MAILING OF NOTICE OF ALLOWANCE AND  
NOTICE OF ALLOWABILITY**

Dear Sir:

Applicant hereby petitions to revive the above-identified application, and to vacate the abandonment of the application. The Notification of Abandonment dated March 19, 2007, states that the Applicant failed to respond to the Notice of Allowance and Allowability mailed November 20, 2006 is attached as ***Exhibit A***. Applicant's attorney respectfully requests that the Notice of Allowance and Allowability be re-mailed since the Notices were never received.

The Applicant did not receive at the offices of their designated attorney's the respective Notices in the above-identified application, or any other communication dated November 20, 2006 from the USPTO regarding this application. As such, it appears that the abandonment was unavoidable or, alternatively unintentional, and was due to a mailing error on the part of the USPTO, or U.S. Postal Service, and therefore, no fees for reinstating this application should be due. If however, fees for reinstating this application are required, the Commissioner is hereby authorized to charge the necessary fees to Attorney's Deposit Account No. 50-0510 (IBM Corporation).

A copy of the Notice of Abandonment is attached as ***Exhibit B*** to the Declaration of Mr. Michael E. Whitham.

As evidence that the Notice of Allowance and Allowability were not received

in the offices of Whitham, Curtis, Christofferson & Cook, PC, the undersigned appends hereto the declaration of Mr. Michael E. Whitham (partner of Whitham, Curtis, Christofferson & Cook, PC). This declaration establishes the following:

- 1) Whitham, Curtis, Christofferson & Cook, PC has a multiply redundant docketing procedure requiring entry of office actions, including Notice of Allowance and Allowability materials, for both reminder dates and final due dates, into a widely recognized commercial patent docketing system available from Computer Packages, Inc., manual entry of final due dates in a handwritten (manual) ledger and docket file cards, as well as docket reminders maintained by individual attorneys and their administrative specialists. At the time of manual entry, the computer entered dates are cross-checked;
- 2) Mr. Whitham is directly involved with the supervision of the persons responsible for handling mail received by the firm and was directly involved with the supervision of persons responsible for handling the mail received by Whitham, Curtis, Christofferson & Cook, PC.
- 3) The Notice of Allowance and Allowability as evidenced by the copy in *Exhibit A*, mailed November 20, 2006, were not received in our office on those dates because no entries for these communications were made in any of the manual ledger, computer ledger or the docketing card file, while all of the docketing systems are completely consistent in regard to other actions including other separate actions pending in other applications on that date.

Specifically, pages from the computer ledger of actions due for the above-identified application, case number 00280742AA, application number 10/600,593 are attached as Exhibit C. This record shows that a Notice of Allowance and Allowability and due dates for payment of the Issue Fee were not entered into the computer database.

Also attached as *Exhibit D* are Computer records for the following cases showing internal actions with a base date of November 20, 2006. These records

simply prove there were other actions with base dates of November 20, 2006, but not for the case in question:

- 02410408AA - 3 Month Office Action
- 02940435AA - 3 Month Office Action
- 09430001AA - 3 Month Office Action

A Notice of Allowance and Allowability mailed November 20, 2006, would have a due date of February 20, 2007. A computer record for all Office Actions with a due date of February 20, 2007 is attached as **Exhibit E** and shows that due dates for the following case numbers were docketed;

- 00280706AA - 1<sup>st</sup> Extension for 3 Month Office Action
- 00280743AA - 1 Month to due date - 3 Month Office Action
- 00280850AA - 1<sup>st</sup> Extension for 1 Month Office Action
- 00750474AA - 3<sup>rd</sup> Extension for Appeal Brief
- 01750028AA - 1<sup>st</sup> Extension for Final Office Action
- 02410408AA - Response due date for 3 Month Office Action
- 02940345AA - Response due date for 3 Month Office Action
- 03100223AA - 1 Month to due date - 3 Month Office Action
- 09230002AA - 3<sup>rd</sup> extension - US Missing Parts
- 09430001AA - Response due date for 3 Month Office Action

The page from the manual ledger for the date of February 20, 2007 is attached to the Declaration as **Exhibit F** which shows that no entry for final due date was made into the manual ledger for the above-identified application.

A copy of the file card kept by the docketing clerk for actions received are attached to the Declaration as **Exhibit G** for the 09430001AA, 02410408AA and 02940345AA applications where Office Actions were mailed November 20, 2006. These cases are docketed in the computer ledger and manual ledger and have entries indicating a mailing date of November 20, 2006 and a response due date of February 20, 2007. An examination of the file card for the above-identified case 00280742AA is attached as **Exhibit H**, shows no entry for payment of the Issue Fee thus, indicating that the Notice of Allowance and Allowability were not received by Whitham, Curtis, Christofferson & Cook, PC.

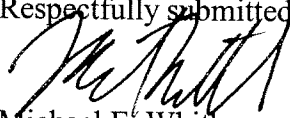
Serial No.: 10/600,593

Docket No.: YOR920030069 (00280742AA)

Page 4

In view of above, the Applicant requests that any Notice of Abandonment be withdrawn and that the respective Notice of Allowance and Allowability be re-mailed so that Applicant will have an opportunity to submit the requisite documentation and fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael E. Whitham', is written over the typed name.

Michael E. Whitham

Registration No. 32,635

703-787-9400

Whitham, Curtis & Christofferson PC  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190  
Customer Number 30743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

S. WINOGRAD et al.

Confirmation No. 5507

Serial No. 10/600,593

Group Art Unit: 2133

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WHOSE IMPLEMENTATION REQUIRES ONLY EXCLUSIVE ORS

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

**DECLARATION OF MR. MICHAEL E. WHITHAM**

The undersigned declares as follows:

- 1) I am the responsible supervising attorney for docketing and mail handling personnel at Whitham, Curtis, Christofferson & Cook, PC prior to and at all times since November 1, 2001. I personally supervise docketing and manual correspondence handling procedures at the firm.
- 2) Whitham, Curtis, Christofferson & Cook, PC has a multiply redundant docketing procedure which is described in the Appended ***Exhibit I*** which is the documented procedure for Docketing Procedures at Whitham, Curtis, Christofferson & Cook, PC. I was directly involved with the supervision of handling mail forwarded to Whitham, Curtis, Christofferson & Cook, PC, and in the supervision of docketing entry procedures discussed in the appended ***Exhibit I***. I personally supervise Stephen M. Elohim, the Docketing Clerk, whose Declaration is also attached hereto, in regard to handling of correspondence and docketing.
- 3) I have reviewed the Whitham, Curtis, Christofferson & Cook, PC file associated with the above-identified patent application and have determined:

- a) there is no original copy of a Notice of Allowance and Allowability dated November 20, 2006 in the file and
- b) no such Notices for the above identified patent application have been received in the office of Whitham, Curtis, Christofferson & Cook, PC.

Assuming the respective Notices were mailed from the U.S. Patent and Trademark Office on November 20, 2006, we would have docketed the due date for payment of the Issue Fee in both the manual and computer ledgers, as well as the docketing clerk card file, as follows:

- The dates of December 20, 2006 (reminder), January 20, 2007 (due date), and February 20, 2007 (FINAL) would have been entered into the computer ledger.
- The 2-month date of January 20, 2007 and the 3-month final due date of February 20, 2007 would have been entered into the manual ledger book; and
- The 2-month due date for payment of the Issue Fee of January 20, 2007 would have been entered on the docketing file card as the due date to serve as a reminder.

I indirectly supervise the handling of all mail according to the docketing procedures set forth in *Exhibit I* on and following November 20, 2006. Attached here as *Exhibit D and E* respectively, are copies of computer printouts from the computer ledger that show all of the Office Action computer entries which were made at Whitham, Curtis, Christofferson & Cook, P.C. for cases with actions mailed on November 20, 2006, and cases with actual due dates of February 20, 2007. Also included in *Exhibit C* is a printout of all actions for the above identified case (00280742AA). It can be seen from these entries that no entry for the payment of the Issue Fee due date in the aforementioned Notice of Allowance and Allowability for the above-identified application was made. Furthermore, regardless of when an action is received, the final due date would be manually docketed in the handwritten ledger.

Attached as **Exhibit F**, is a copy of a ledger page for February 20, 2007 from the handwritten ledger docket book kept at Whitham, Curtis, Christofferson & Cook, PC. This page indicates other due dates for actions mailed November 20, 2006 for our dockets 09430001AA, 02410408AA and 02940345AA. These cases would therefore have a base date of November 20, 2006. These manual ledger entries were regularly made and checked against the file card entries and the computer docketing system by another member of our staff immediately after the mail is logged in the computer system each day. It can be seen from this page that no Notice of Allowance or Allowability for the above identified application was entered for that day, while entries appear for similar actions in other applications.

An examination of the file card for the above-identified case (00280742AA) as shown in **Exhibit H**, shows no entry for a response due on February 20, 2007 thus, indicating the notices of Allowance and Allowability were not received by Whitham, Curtis, Christofferson & Cook, PC.

The manual ledger, and the automated docketing system are in exact agreement and do not show receipt of the respective Notices for the above-identified application. However, receipt and correct handling of similar papers, is evident. Therefore, I conclude that no Notice of Allowance nor Notice of Allowability for the above-identified application were received.

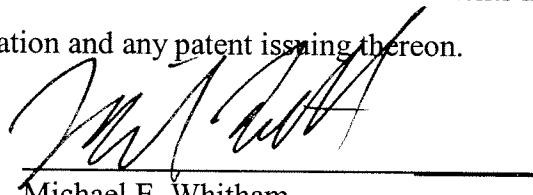
Attached as **Exhibit A** is a printed copy of the Notice of Allowance and Notice of Allowability as printed directly from the case history of the US Patent Office private PAIR system. This printed copy of these Notices is the only evidence in my possession that any Notice of Allowance or Notice of Allowability had been sent to Applicant via its legal representative, Whitham, Curtis & Christofferson & Cook, PC. All of the manual ledger, the docketing file cards, and the automated docketing system are in exact agreement and do not show receipt of the respective Notices for the above-identified application. However, receipt and correct handling of similar papers is evident. Therefore, I conclude that no Notice of Allowance nor Notice of Allowability for the above-identified application were received.

4) I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and

further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Date:

Apr. 9, 2007



Michael E. Whitham

Partner

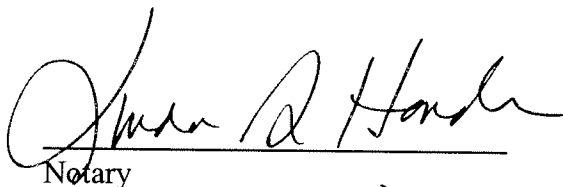
Whitham, Curtis, Christofferson & Cook, PC

Reg. No. 32,635

Whitham, Curtis, Christofferson & Cook, PC  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190  
703-787-9400  
CUSTOMER NUMBER 30743

On this Apr. 9, 2007, before me personally came Michael E. Whitham personally known, and be known to me to be the person described in and who executed the foregoing declaration, and he executed the same as his free act and deed.

State Of Virginia  
County of Fairfax



Notary

My commission expires: Dec. 31, 2007



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S. WINOGRAD et al.

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Serial No. 10/600,593

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Filed: June 23, 2003

Examiner: S. RIZK

For: METHOD FOR CONSTRUCTING ERASURE CORRECTING  
CODES WHOSE IMPLEMENTATION REQUIRES ONLY EXCLUSIVE  
ORS

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION OF STEPHEN M. ELOHIM**

The undersigned declares as follows:

- 1) I, Stephen M. Elohim am the Docketing Clerk at Whitham, Curtis, Christofferson & Cook, PC. I have been employed with Whitham, Curtis, Christofferson & Cook, PC in the Docketing Department since 2002.
- 2) Whitham, Curtis, Christofferson & Cook, PC has a multiply redundant docketing procedure which is described in the Appended ***Exhibit I***. I am directly involved in reviewing all mail forwarded to Whitham, Curtis, Christofferson & Cook, PC, and in the docketing entry procedures discussed in the docketing procedures described in the appended ***Exhibit I***.
- 3) I have reviewed the Whitham, Curtis, Christofferson & Cook, PC file associated with the above-identified patent application and have determined:
  - a) there is no original copy of a Notice of Allowance nor Notice of Allowability in the file, and
  - b) no such Notices for the above identified patent application have been received in the office of Whitham, Curtis, Christofferson & Cook, PC.

Assuming the respective Notices were mailed from the U.S. Patent and Trademark Office on November 20, 2006, we would likely have received the Notices some time between November 21, 2006 and November 30, 2006.

Attached hereto as ***Exhibit J*** is a copy of a computer printout that shows all of the Office Action computer entries which were made between November 21, 2006 and November 30, 2006. It can be seen from these entries that no entry of any Notice of Allowance or Allowability for the above referenced application were made.

Additionally, Whitham, Curtis, Christofferson & Cook, PC's docketing policy is such that the final due date (with all extensions included) is docketed in the same manner. This date would be February 20, 2007. Attached as ***Exhibit K*** are copies of pages for February 15, 2007 through February 25, 2007 of the handwritten ledger kept at Whitham, Curtis, Christofferson & Cook, PC. It can be seen from these pages that there was no Notice of Allowance or Allowability for the above identified application logged in.

4) I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

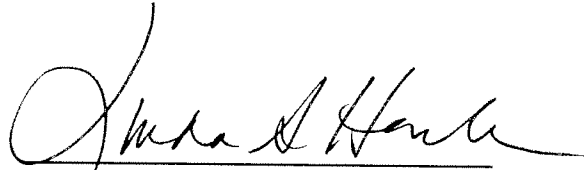
Date: 4/10/2007



Stephen M. Elohim  
Docketing Clerk  
Whitham, Curtis, Christofferson  
& Cook, PC

On this Apr 10, 2007, before me personally came Stephen M. Elohim personally known, and be known to me to be the person described in and who executed the foregoing declaration, and he executed the same as his free act and deed.

State Of Virginia  
County of Fairfax

A handwritten signature in black ink, appearing to read "John A. Hanks", written over a horizontal line.

Notary

My commission expires: 12/31/2007

# **EXHIBIT A**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

30743 7590 11/20/2006

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER

RIZK, SAMIR WADIE

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 11/20/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,593

06/23/2003

Shmuel Winograd

YOR920030069

5507

TITLE OF INVENTION: METHOD FOR CONSTRUCTING ERASURE CORRECTING CODES WHOSE IMPLEMENTATION REQUIRES ONLY EXCLUSIVE ORS (00280742A)

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1400

\$300

\$0

\$1700

02/20/2007

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

**CURRENT CORRESPONDENCE ADDRESS** (Note: Use Block 1 for any change of address)

30743 7590 11/20/2006

**WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.**  
**11491 SUNSET HILLS ROAD**  
**SUITE 340**  
**RESTON, VA 20190**

**Note:** A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/600,593 06/23/2003 Shmuel Winograd YOR920030069 5507

**TITLE OF INVENTION:** METHOD FOR CONSTRUCTING ERASURE CORRECTING CODES WHOSE IMPLEMENTATION REQUIRES ONLY EXCLUSIVE ORS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	02/20/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
RIZK, SAMIR WADIE	2133	714-752000

**1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).**

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

**2. For printing on the patent front page, list**

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT** (print or type)

**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

**(A) NAME OF ASSIGNEE**

**(B) RESIDENCE: (CITY and STATE OR COUNTRY)**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

**4a. The following fee(s) are submitted:**

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

**4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)**

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

**5. Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Notice of Allowability**

Application No.

10/600,593

Examiner

Sam Rizk

Applicant(s)

WINOGRAD ET AL.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/31/2006.
2. ☒ The allowed claim(s) is/are 1,3-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

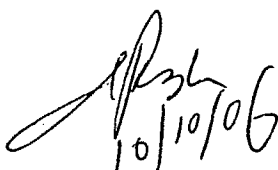
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 6/23/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
10/10/06

### **DETAILED ACTION**

- Response to the applicant's amendment dated 7/31/2006
- Amended claims 1 and 3-13 submitted for examination
- Amended claims 1 and 3-13 have been allowed

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Michael E. Whitam on 10/10/2006.

The application has been amended as follows:

3. Claim 1, lines 1 and 2 "A computer implemented encoding and correcting method comprising the steps of:" has been changed to --A computer implemented method for encoding and correcting erasure errors comprising the steps of:--
4. Claim 1, line 4 "wherein the" to --wherein a—
5. Claim 4, lines 1 and 2 "A computer implemented encoding and correcting method comprising the steps of:" has been changed to --A computer implemented method for encoding and correcting erasure errors comprising the steps of:--



6. Claim 13, lines 1 and 2 "A computer implemented encoding and correcting method comprising the steps of:" has been changed to --A computer implemented method for encoding and correcting erasure errors comprising the steps of:--

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

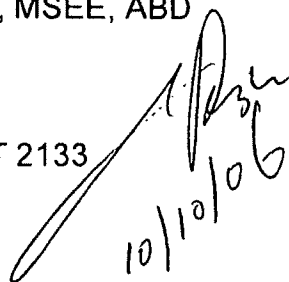
Art Unit: 2133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

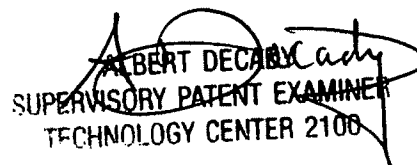
Sam Rizk, MSEE, ABD

Examiner

ART UNIT 2133



10/10/06



ALBERT DECARY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/600,593	WINOGRAD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sam Rizk	2133	

**All Participants:**

**Status of Application: 1**

(1) Sam Rizk.

(3) \_\_\_\_\_

(2) Michael E Whitam.

(4) \_\_\_\_\_

**Date of Interview:** 10/10/06

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☐ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

1, 4 and 13

Prior art documents discussed:

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

 10/10/06  
 (Examiner/SPE Signature)

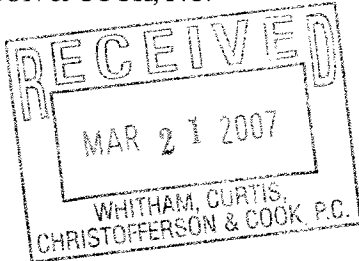
\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature – if appropriate)

## **EXHIBIT B**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,593	06/23/2003	Shmuel Winograd	YOR920030069 (00280742AA)	5507
30743 7590 03/19/2007 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			EXAMINER RIZK, SAMIR WADIE	
			ART UNIT 2133	PAPER NUMBER
			MAIL DATE 03/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

10/600,593

Applicant(s)

hmucl Winograd

Examiner

RIZK, SAMIR WADIE

Art Unit

2133

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

# **EXHIBIT C**

# Country Application

Wednesday, March 21, 2007

Page: 1

**Case Number:** 00280742AA

**Country:** US

**SubCase:**

**Client:** 0028

United States of America

**Client Reference:** YO 9030069

**Case Type:** ORD

**Application Status:** Published

**Application Number:** 10/600,593

**Filing Date:** 23-Jun-2003

**Publication Number:** 04-0260994

**Publication Date:** 23-Dec-2004

**Patent Number:**

**Issue Date:**

**Parent/PCT Number:**

**Parent/PCT Date :**

**Parent Issue Number:**

**Parent Issue Date :**

**Tax Schedule:** LE

**Expiration Date:**

**Confirmation #:**

**Patent Term Adjustment:** 0

**Owner:** 28

IBM YORKTOWN

**Agent:**

**Agent Reference #:**

**App.Title:** METHOD FOR CONSTRUCTING ERASURE CORRECTING CODES WHOSE  
IMPLEMENTATION REQUIRES ONLY EXCLUSIVE ORS

**Inventors:**

**Family Reference:**

B. TRAGER

S. WINOGRAD



# Country Application

Wednesday, March 21, 2007

Page: 2

## List Of Actions

Action(s) Due	Due Date	Indicator	Action Taken	Resp.
FILE IN PTO BY	22-Apr-2003	Reminder	23-Jun-2003	
FILE IN PTO BY	22-May-2003	Due Date	23-Jun-2003	
FILE IN PTO BY	22-Jun-2003	Final	23-Jun-2003	
FILING RECEIPT	23-Aug-2003	Due Date		
INFORMATION DISCLOSURE	23-Sep-2003	Due Date		
FILE IN PTO BY Follow Up Date	23-Dec-2003	Due Date	23-Jun-2003	
APPLICATION STATUS CHECK	23-Dec-2004	Due Date		
Report Office Action to Client	21-Dec-2005	Final	19-Dec-2005	
1 month to due date	14-Feb-2006	Reminder	21-Feb-2006	
3 Month Due Date	14-Mar-2006	Due Date	21-Feb-2006	
1st Extension	14-Apr-2006	Reminder	21-Feb-2006	
2nd Extension	14-May-2006	Reminder	21-Feb-2006	
2 Weeks to Final Date	29-May-2006	Due Date	21-Feb-2006	
6 Month Final	14-Jun-2006	Final	21-Feb-2006	
Report Office Action to Client	23-Jun-2006	Final	19-Jun-2006	
1 month to due date	16-Aug-2006	Reminder	31-Jul-2006	
US-3 MONTH OFFI Follow Up Date	21-Aug-2006	Due Date	16-Jun-2006	
3 Month Due Date	16-Sep-2006	Due Date	31-Jul-2006	
1st Extension	16-Oct-2006	Reminder	31-Jul-2006	

## Country Application

Wednesday, March 21, 2007

Page: 3

2nd Extension	16-Nov-2006	Reminder	31-Jul-2006
2 Weeks to Final Date	01-Dec-2006	Due Date	31-Jul-2006
6 Month Final	16-Dec-2006	Final	31-Jul-2006
US-3 MONTH OFFI Follow Up Date	31-Jan-2007	Due Date	

**Created By:** Steve

**User ID:** Steve

**Date Created:** 25-Mar-2003

**Last Update:** 30-Dec-2004

## **EXHIBIT D**

## Actions Due

Thursday, April 05, 2007

Page: 1

**Case Number:** 02410408AA

**SubCase:**

**Country:** US United States of America

**Case Type:** ORD

**Status :** Published

**Filing Date:** 02-Feb-2006

**Action Type:** US-3 Month Office Action

**Base Date:** 20-Nov-2006

**Application #:** [REDACTED]

**Response sent date:** 30-Jan-2007

**Client Reference:** [REDACTED]

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Nov-2006	Final	24-Nov-2006	
1 Month to Due Date	20-Jan-2007	Reminder	30-Jan-2007	
3 Month Due Date	20-Feb-2007	Due Date	30-Jan-2007	✓
1st Extension	20-Mar-2007	Reminder	30-Jan-2007	
2nd Extension	20-Apr-2007	Reminder	30-Jan-2007	
2 Weeks to Final Date	05-May-2007	Due Date	30-Jan-2007	
6 Month Final	20-May-2007	Final	30-Jan-2007	
US-3 Month Offi Follow Up Date	30-Jul-2007	Due Date		

**Created By:** steve

**User ID:** SME

**Date Created:** 21-Nov-2006

**Last Update:** 16-Feb-2007

## Actions Due

Thursday, April 05, 2007

Page: 1

Case Number: 02940345AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 23-Mar-2005

Action Type: US-3 Month Office Action

Base Date: 20-Nov-2006

Application #: [REDACTED]

Response sent date:

Client Reference: [REDACTED]

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Nov-2006	Final	28-Nov-2006	
1 Month to Due Date	20-Jan-2007	Reminder		
3 Month Due Date	20-Feb-2007	Due Date		✓
1st Extension	20-Mar-2007	Reminder		
2nd Extension	20-Apr-2007	Reminder		
2 Weeks to Final Date	05-May-2007	Due Date		
6 Month Final	20-May-2007	Final		

Created By: steve

User ID: SME

Date Created: 21-Nov-2006

Last Update: 28-Nov-2006

# Actions Due

Thursday, April 05, 2007

Page: 1

Case Number: 09430001AA

SubCase:

Country: US United States of America

Case Type: CON

Status : Pending

Filing Date: 25-Sep-1998

Action Type: US-3 Month Office Action

Base Date: 20-Nov-2006

Application #: [REDACTED]

Response sent date: 20-Feb-2007

## Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Nov-2006	Final	27-Nov-2006	
1 Month to Due Date	20-Jan-2007	Reminder	20-Feb-2007	
3 Month Due Date	20-Feb-2007	Due Date	20-Feb-2007	✓
1st Extension	20-Mar-2007	Reminder	20-Feb-2007	
2nd Extension	20-Apr-2007	Reminder	20-Feb-2007	
2 Weeks to Final Date	05-May-2007	Due Date	20-Feb-2007	
6 Month Final	20-May-2007	Final	20-Feb-2007	
US-3 Month Offi Follow Up Date	20-Aug-2007	Due Date		

Created By: steve

User ID: SME

Date Created: 21-Nov-2006

Last Update: 23-Feb-2007

# **EXHIBIT E**

## Actions Due

Thursday, April 05, 2007

Page: 3

Case Number: 00280706AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 31-Jul-2001

Action Type: US-3 Month Office Action

Base Date: 20-Oct-2006

Application #: XXXXXXXXXX

Response sent date: 22-Jan-2007

Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Oct-2006	Final	26-Oct-2006	
1 Month to Due Date	20-Dec-2006	Reminder	22-Jan-2007	
3 Month Due Date	20-Jan-2007	Due Date	22-Jan-2007	
1st Extension	20-Feb-2007	Reminder	22-Jan-2007	✓
2nd Extension	20-Mar-2007	Reminder	22-Jan-2007	
2 Weeks to Final Date	04-Apr-2007	Due Date	22-Jan-2007	
6 Month Final	20-Apr-2007	Final	22-Jan-2007	
US-3 Month Offi Follow Up Date	22-Jul-2007	Due Date		

Created By: Paula

User ID: SME

Date Created: 23-Oct-2006

Last Update: 31-Jan-2007



## Actions Due

Thursday, April 05, 2007

Page: 4

Case Number: 00280743AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 04-Jun-2003

Action Type: US-3 MONTH OFFICE ACTION

Base Date: 20-Dec-2006

Application #: [REDACTED]

Response sent date: 12-Mar-2007

### Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Dec-2006	Final	26-Dec-2006	
1 Month to Due Date	20-Feb-2007	Reminder	12-Mar-2007	✓
3 Month Due Date	20-Mar-2007	Due Date	12-Mar-2007	
1st Extension	20-Apr-2007	Reminder	12-Mar-2007	
2nd Extension	20-May-2007	Reminder	12-Mar-2007	
2 Weeks to Final Date	04-Jun-2007	Due Date	12-Mar-2007	
6 Month Final	20-Jun-2007	Final	12-Mar-2007	
US-3 MONTH OFFI Follow Up Date	12-Sep-2007	Due Date		

Created By: steve

User ID: SME

Date Created: 21-Dec-2006

Last Update: 14-Mar-2007

## Actions Due

Thursday, April 05, 2007

Page: 5

Case Number: 00280850AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 26-May-2005


Action Type: US-1MON ACTION

Base Date: 20-Dec-2006

Application #: [REDACTED]

Response sent date: 17-Jan-2007

Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report 1 MON Action	27-Dec-2006	Final	26-Dec-2006	
US-1MON. ACTION	04-Jan-2007	Reminder	17-Jan-2007	
US-1MON. ACTION	20-Jan-2007	Due Date	17-Jan-2007	
US-1MON. ACTION 1MOEXT	20-Feb-2007	Reminder	17-Jan-2007	
US-1MON.ACTION 2MOEXT	20-Mar-2007	Reminder	17-Jan-2007	
US-1MON.ACTION 3MOEXT	20-Apr-2007	Reminder	17-Jan-2007	
US-1MON ACTION Follow Up Date	17-May-2007	Due Date	02-Feb-2007	
US-1MON. ACTION 4MOEXT	20-May-2007	Due Date	17-Jan-2007	
US-1MON. ACTION 5 MOEXT	20-Jun-2007	Final	17-Jan-2007	

Created By: steve

User ID: SME

Date Created: 21-Dec-2006

Last Update: 05-Feb-2007

## Actions Due

Thursday, April 05, 2007

Page: 7

Case Number: 00750474AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 20-May-2002

Action Type: APPEAL BRIEF DUE

Base Date: 20-Oct-2006

Application #: [REDACTED]

Response sent date: 15-Dec-2006

Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
APPEAL BRIEF DUE	28-Oct-2006	Reminder	15-Dec-2006	
APPEAL BRIEF DUE	05-Nov-2006	Due Date	15-Dec-2006	
APPEAL BRIEF DUE	20-Nov-2006	Final	15-Dec-2006	
APPEAL BRIEF 1 Mo EOT	20-Dec-2006	Reminder	15-Dec-2006	
APPEAL BRIEF 2 Mo EOT	20-Jan-2007	Reminder	15-Dec-2006	
APPEAL BRIEF 3 Mo EOT	20-Feb-2007	Reminder	15-Dec-2006	✓
APPEAL BRIEF 4 Mo EOT	20-Mar-2007	Due Date	15-Dec-2006	
APPEAL BRIEF 5 Mo EOT	20-Apr-2007	Final	15-Dec-2006	
APPEAL BRIEF DU Follow Up Date	15-Jun-2007	Due Date	06-Mar-2007	

Created By: steve

User ID: SME

Date Created: 23-Oct-2006

Last Update: 07-Mar-2007

## Actions Due

Thursday, April 05, 2007

Page: 13

Case Number: 01750028AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Pending

Filing Date: 18-Jul-2001

Action Type: US-Final Office Action

Base Date: 20-Oct-2006

Application #: XXXXXXXXXX

Response sent date: 24-Jan-2007

Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action	27-Oct-2006	Final	25-Oct-2006	
1 Month to Due Date	20-Dec-2006	Reminder	24-Jan-2007	
3 Month Due Date	20-Jan-2007	Due Date	24-Jan-2007	
1st Extension	20-Feb-2007	Reminder	24-Jan-2007	✓
2nd Extension	20-Mar-2007	Reminder	24-Jan-2007	
2 Weeks to Final Date	04-Apr-2007	Due Date	24-Jan-2007	
6 Month Final Date	20-Apr-2007	Final	24-Jan-2007	
US-Final Office Follow Up Date	24-Jul-2007	Due Date	24-Jan-2007	

**Remarks:**

AMENDMENT 1.116 FILED 11/22/2006.

ALLOWANCE REC'D 1/24/2007. TIME STOPPED.

Created By: steve

User ID: SME

Date Created: 23-Oct-2006

Last Update: 25-Jan-2007

## Actions Due

Thursday, April 05, 2007

Page: 18

Case Number: 02410408AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 02-Feb-2006

Action Type: US-3 Month Office Action

Base Date: 20-Nov-2006

Application #: [REDACTED]

Response sent date: 30-Jan-2007

Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Nov-2006	Final	24-Nov-2006	
1 Month to Due Date	20-Jan-2007	Reminder	30-Jan-2007	
3 Month Due Date	20-Feb-2007	Due Date	30-Jan-2007	✓
1st Extension	20-Mar-2007	Reminder	30-Jan-2007	
2nd Extension	20-Apr-2007	Reminder	30-Jan-2007	
2 Weeks to Final Date	05-May-2007	Due Date	30-Jan-2007	
6 Month Final	20-May-2007	Final	30-Jan-2007	
US-3 Month Offi Follow Up Date	30-Jul-2007	Due Date		

Created By: steve

User ID: SME

Date Created: 21-Nov-2006

Last Update: 16-Feb-2007

## Actions Due

Thursday, April 05, 2007

Page: 21

Case Number: 02940345AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 23-Mar-2005

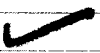
Action Type: US-3 Month Office Action

Base Date: 20-Nov-2006

Application #: [REDACTED]

Response sent date:

Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Nov-2006	Final	28-Nov-2006	
1 Month to Due Date	20-Jan-2007	Reminder		
3 Month Due Date	20-Feb-2007	Due Date		
1st Extension	20-Mar-2007	Reminder		
2nd Extension	20-Apr-2007	Reminder		
2 Weeks to Final Date	05-May-2007	Due Date		
6 Month Final	20-May-2007	Final		

Created By: steve

User ID: SME

Date Created: 21-Nov-2006

Last Update: 28-Nov-2006

## Actions Due

Thursday, April 05, 2007

Page: 24

Case Number: 03100223AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Abandoned

Filing Date: 07-Jan-2005

Action Type: US-3 MONTH OFFICE ACTION

Base Date: 20-Dec-2006

Application #: [REDACTED]

Response sent date:

Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Dec-2006	Final	26-Dec-2006	
1 Month to Due Date	20-Feb-2007	Reminder		✓
3 Month Due Date	20-Mar-2007	Due Date		
1st Extension	20-Apr-2007	Reminder		
2nd Extension	20-May-2007	Reminder		
2 Weeks to Final Date	04-Jun-2007	Due Date		
6 Month Final	20-Jun-2007	Final		

### Remarks:

ABANDONED PER CLIENT INSTRUCTIONS 3/15/2007. CONFIRMATORY LETTER IN FILE. ALLOW TIME TO RUN UNTIL DDD, THEN CLOSE OUT ON RED CARD.

Created By: steve

User ID: SME

Date Created: 21-Dec-2006

Last Update: 21-Mar-2007

## Actions Due

Thursday, April 05, 2007

Page: 26

Case Number: 09230002AA

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 08-Aug-2006

Action Type: US-MISSING PART

Base Date: 20-Sep-2006

Application #: [REDACTED]

Response sent date: 29-Sep-2006

### Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Miss Parts Action	27-Sep-2006	Final	27-Sep-2006	
MISSING PARTS	20-Oct-2006	Reminder	29-Sep-2006	
MISSING PARTS	20-Nov-2006	Due Date	29-Sep-2006	
1 MON EXTENSION	20-Dec-2006	Reminder	29-Sep-2006	
2 MON EXTENSION	20-Jan-2007	Reminder	29-Sep-2006	
US-MISSING PART Follow Up Date	29-Jan-2007	Due Date	10-Oct-2006	.
3 MON EXTENSION	20-Feb-2007	Reminder	29-Sep-2006	✓
4 MON EXTENSION	20-Mar-2007	Final	29-Sep-2006	

Created By: steve

User ID: SME

Date Created: 21-Sep-2006

Last Update: 11-Oct-2006



## Actions Due

Thursday, April 05, 2007

Page: 27

Case Number: 09430001AA

SubCase:

Country: US United States of America

Case Type: CON

Status : Pending

Filing Date: 25-Sep-1998

Action Type: US-3 Month Office Action

Base Date: 20-Nov-2006

Application: [REDACTED]

Response sent date: 20-Feb-2007

### Client Reference:

Action(s) Due	Due Date	Indicator	Taken	Resp.
Report Office Action to Client	27-Nov-2006	Final	27-Nov-2006	
1 Month to Due Date	20-Jan-2007	Reminder	20-Feb-2007	
3 Month Due Date	20-Feb-2007	Due Date	20-Feb-2007	✓
1st Extension	20-Mar-2007	Reminder	20-Feb-2007	
2nd Extension	20-Apr-2007	Reminder	20-Feb-2007	
2 Weeks to Final Date	05-May-2007	Due Date	20-Feb-2007	
6 Month Final	20-May-2007	Final	20-Feb-2007	
US-3 Month Offi Follow Up Date	20-Aug-2007	Due Date		

Created By: steve

User ID: SME

Date Created: 21-Nov-2006

Last Update: 23-Feb-2007

# **EXHIBIT F**

TUESDAY

20

FEBRUARY

~~031500Z 1/2 5M00A~~

~~14/16 091100021117 5M00A~~

~~24/200 0913000.AA 3M00A~~

~~1/30 024104050A 3M00A~~

~~EXTEND 014000000A 3M00A~~

EXTEND

1/22

~~EXTEND~~

~~00280706AA 1M080T C~~

# **EXHIBIT G**

INVENTOR

09430001A

CLIENT/MATTER

FILING DATE

CLIENT

David Cepri

FILE NUMBER

SERIAL NO.

GROUP

ATTY.

TITLE

CLIENT REF #

ASSIGNEE

DATE REC'D IN OFFICE

SPECIAL REMARKS

DATE	TYPE OF ACTION	RESPONSE DUE	TYPE OF RESPONSE	DATE FILED
12-17-04	SMO OA	3-17-05	Filed	6-16-05
9-1-05	1MO OA	10-1-05	Filed	4-10-06
12-2-05	SMO OA	3-2-06	Filed	3-2-06
6-6-06	2MO FOA	4-6-06	Entered	12-10-06
11-20-06	PCC Time Stopped	10-5-06		
	3MO OA	2-20-07	Entered	3-20-07
	Filed	2-20-07		

02410408AA  
CLIENT/MATTER

**CLIENT/MATTER**

**CLIENT**

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**FILE NUMBER**

**GROUP**

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**CLIENT REF #**

DATE REC'D IN OFFICE

**SPECIAL REMARKS**

[illegible]

02990345AA  
CLIENT/MATTER

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FILE NUMBER

**GROUP**

ATTY

**CLIENT REF #**

DATE REC'D IN OFFICE

SPECIAL REMARKS

[illegible]

# **EXHIBIT H**



CLIENT/MATTER

00280742 AA

**CLIENT**

② I B 7 - Ya 1 ctown

**FILE NUMBER**

**GROUP**

ATTY.

**CLIENT REF #**

DATE REC'D IN OFFICE

**SPECIAL REMARKS**

[illegible]

# **EXHIBIT I**

## DOCKETING PROCEDURES AT WHITHAM, CURTIS, CHRISTOFFERSON & COOK, P.C.

Whitham, Curtis, Christofferson & Cook, PC has developed extensive docketing procedures with multiple redundancy to assure that important dates are not missed and that client's have ample time to provide instructions.

Whitham, Curtis, Christofferson & Cook, PC has committed the following resources to docketing functions:

- 1) Docketing Clerk – sole function is to manage and track the docket; primary source for computer entry of docketing information and generation of monthly, bi-monthly and daily docketing reports.
- 2) Partner - responsible for overseeing all docketing operations – currently Michael Whitham.
- 3) Patent Specialist - responsible for handwritten docketing ledger entries.
- 4) Computer database dedicated to docketing. Developed and supported by Computer Packages, Inc. (brief description attached). The system runs on a WAN where each secretary and several attorneys have access for reviewing docketing information. Data entry is accomplished by the Docketing Clerk and Office Manager. Computer system is connected to uninterrupted power supply and all information is backed up daily. Total amount invested in software and hardware attributable to the docketing system is over \$100,000.
- 5) Card and form based procedures followed by secretaries and attorneys
- 6) Daily filing ledger and docketing ledger

WHITHAM, CURTIS & CHRISTOFFERSON PERFORMS  
THE FOLLOWING PROCEDURES:

- 1) New applications
  - Reviewed by a partner
  - The application is assigned an internal tracking number for docketing purposes and a client/matter number for billing purposes
  - File folder is prepared
  - Docketing Clerk enters application information into computer docketing system including 35 USC 119 & 120 priority dates and dates that may be specified in instructions, inventor information, assignee information, etc.
  - Filing of new application is entered in docketing system.
  - application is filed electronically by an attorney, patent agent or staff member (working under the Supervision of an attorney or patent agent).
  - An acknowledgement receipt received by the US Patent Office confirming filing of documents is printed, saved into the catalogued folder on our computer server and e-mailed to the docketing and billing departments.
- 2) Docketing Office Actions
  - Mail is opened and stamped “received” by Docketing Clerk;
  - Response deadlines are entered into computer system by Docketing Clerk;
    - Appropriate reminder deadlines for response are automatically generated by computer system. Reminder deadlines have been selected by Whitham, Curtis Christofferson & Cook, PC for each type of Office Action provided by the USPTO
  - Docketing Clerk enters Office Action on docketing card attached to Action; mail is then forwarded to Patent Specialist.
  - Response deadlines are entered in handwritten docketing ledger book by Patent Specialist.
    - Both shortened statutory response deadlines and redundant statutory deadlines are entered; concurrently the computer docket system entries made by the Docketing Clerk are checked by the patent specialist.
  - Office Action is returned to Docketing Clerk who associates Action with correct file and forwards to attorney assigned to file;
  - Responsible attorney and supporting administrative specialist keep separate card files and calendars for response deadlines.

- 3) Office Actions - when response is filed
  - Response is prepared by responsible attorney;
  - Response is electronically filed with US Patent Office by responsible attorney, agent or administrative specialist
  - secretary then enters response information on response “red” card which is handed daily to Docketing Clerk who then enters the response filing date in computer system to close out the Office Action due date.
- 4) Office Actions - allowances
  - Allowance and Allowability is received and logged in using methods in item 2) above.
  - file is forwarded to attorney responsible for case and is reviewed and reported to client
  - attorney completes Allowance checklist to ensure file is in proper order for issuance;
    - checklist confirms such things as the filing of formal drawings, submission of priority documents; assignment recordations; authorization for divisional and continuation applications, etc.
    - checklist is then attached to inside flap of file folder.
- 5) Redundant checks
  - Docketing Clerk generates monthly, bi-monthly and daily dockets for each attorney and his or her supporting administrative specialist using computer database reports. The printouts provide information such as type of action, due date and reminders for upcoming due dates;
  - Docketing Clerk generates daily dockets in the morning for each attorney and his or her supporting administrative specialist secretary which identifies all deadlines for that date.
  - Partner, Office Manager and Docketing Clerk check the daily reports and confirm appropriate action has been performed or will be completed, extended, etc.
  - Patent Specialist checks the manual ledger book for any final, non-extendable due dates for that day and alerts the attorney and supporting administrative specialist, the specialist and/or attorney at that time must report to Office Manager as to the status of file, i.e., abandoned, allowed, continued, etc.
  - Administrative specialist and attorney check their daily card/calendar docket to identify any upcoming deadlines or reminders.

# **EXHIBIT J**

CaseNumber	ActionType	tblPatActionDue_DateCreated
02410408AA	US-3 Month Office Action	11/21/2006
02410408AA	US-3 Month Office Action	11/21/2006
02410408AA	US-3 Month Office Action	11/21/2006
02410408AA	US-3 Month Office Action	11/21/2006
02410408AA	US-3 Month Office Action	11/21/2006
02410408AA	US-3 Month Office Action	11/21/2006
02410408AA	US-3 Month Office Action	11/21/2006
02410408AA	DRAFT DUE TO CLIENT	11/21/2006
02410408AA	DRAFT DUE TO CLIENT	11/21/2006
02410408AA	DRAFT DUE TO CLIENT	11/21/2006
02940345AA	US-3 Month Office Action	11/21/2006
02940345AA	US-3 Month Office Action	11/21/2006
02940345AA	US-3 Month Office Action	11/21/2006
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02940345AA	US-3 Month Office Action	11/21/2006
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02940345AA	US-3 Month Office Action	11/21/2006
09430001AA	US-3 Month Office Action	11/21/2006
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09430001AA	US-3 Month Office Action	11/21/2006
01640570AA	US-MISSING PART	11/22/2006
01640570AA	US-MISSING PART	11/22/2006
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01640570AA	US-MISSING PART	11/22/2006
01640570AA	US-MISSING PART	11/22/2006
01640570AA	US-MISSING PART	11/22/2006
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10130001	CONVERSION DUE	11/30/2006

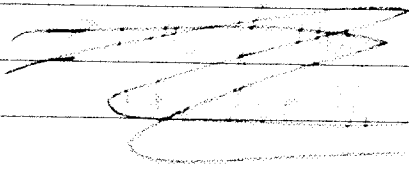
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<del>1/13</del>	<del>01111331A</del>	<del>IF ADD</del>
<del>1/4</del>	<del>0310032311A</del>	<del>IF ADD</del>
	<del>0025077311A</del>	<del>IF ADD</del>



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<del>2/6</del>	<del>02410387AA</del>	<del>1 H0 00</del>

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FEBRUARY 17 SATURDAY

48th day - 317 days follow

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EXTEND

ABH

0175 0029HA 14090F 067

~~1/20/18~~

~~0280732AA~~

~~WFO FCA DD~~

~~10/26~~

~~070300040A~~

~~WFO CA DD~~

~~10/18~~

~~01240162BB~~

~~WFO ALA L~~

~~2/20~~

~~100539(TA)~~

~~WFO TO CHW~~

~~1/30~~

~~07030002SD~~

~~WFO CHW~~

~~0300005TD~~

~~WFO CHW~~

Eva

FEIL

09000003EP

Forvalding  
EPO grant DD

1.116

2/12/18

05400008AA

17080TA

1/24

FEBRUARY

19

MONDAY

2007 50th day - 315 days follow

Presidents' Day (US)

Eastern Orthodox Lent begins

~~11/15 0310033211A 5HCO,~~  
~~1/24 07820001AA 2MO M,~~  
~~2/16 02410427AA 2MO M,~~  
~~EXTEND 0317000811A 1MOOK~~

EXTEND

~~EXTEND~~

00380370AA

1MO EXT OA



FEBRUARY

21

WEDNESDAY

52nd day - 313 days follow  
Ash Wednesday

9/20	03100178AA	6MO OA DDD/6
9/22	03100273AA	3MO OA
2/1	01250029AA	3MO OA
1/30	07030004AA	3MO OA
1/8	03280105AA	TD3 3MO
APR 11	01300037AA	Decision 1/11
2/21	03100395AA	2MO 11/11/11
1/24	00350395AA	100 DDD
2/19	03280001AA	100 DDD

11/20

11/6

1/22\*

1/22

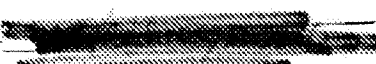



1/22

2/10

1/22

1.116 / 12/10  
ADV. ACT 1/22  
(waiting for not)

MMC has & is aware of PATC

	12/15	057000027A	6 MC 0A 00
	11/21	00350972CB	6 MC 0A 00
	11/20	02770002AA	6 MC 0A 00
	2/13	00990093AA	1 MC 0A 00



APBAN

10/24

019100271H

1210000000

12/15

031000217H

1210000000

9/13

02410335H

1210000000

107701010000

1210000000

0703000000

1210000000

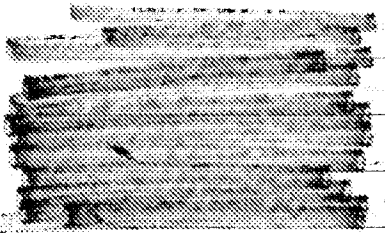
EXTEND

0703000000

1210000000

07

9/25	002 44075 AIT	1140 U/C Apr 64
11/16	039, 0038 MG	Supp. Tm.
1/28	00750460 AA	1140 U/C AHC
2/5	0241 0302 AIT	240 U/C April



1/10

1/29

1/31

END

~~1/18 02530025 AA 340 014~~  
~~2/21 0723 6024 AA 340 014~~  
~~2/26 07650001 AA 1F DDD~~  
~~00280823 AA 2MC 1F~~

EXTEND

EXTEND

~~03100265 AA~~

~~110207 F0A~~